

2 CHAPTER 2 - ENVIRONMENT

2.1 PARAGRAPH 6.37 BIODIVERSITY

B.D.C is proposing a change to Paragraph 6.37 Pre-Inquiry Change 23

[note: This change was proposed in response to representation 9454. However, subsequently representation 9454 has been withdrawn]

Revised opening sentence to read:

'The Suffolk Wildlife Trust has carried out a full survey of habitats in the Babergh District and identified sites which, although not designated as Sites of Special Scientific Interest or Local Nature Reserves, warrant protection for their **regional or** county-wide biodiversity interest.'

The Objections

None

2.2 PARAGRAPH 6.38 BIODIVERSITY

The Objections

7507 Suffolk Wildlife Trust

Object to the wording of this Paragraph with regards to the phrase 'perception'. This implies that this is what some people believe, rather than stating it as a fact.

Inspector's Reasoning and Conclusions

2.2.1 As development in the countryside is strictly controlled by policies in the plan, and before it is permitted biodiversity aspects are investigated, I consider that *widespread* loss of habitats throughout the countryside is often a perception.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.3 POLICY CR12 BIODIVERSITY

The Objections

1617 Tesco Stores Limited/Littman & Robeson

Objection to policy wording, suggesting that it does not acknowledge possible benefits arising from development.

Inspector's Reasoning and Conclusions

2.3.1 As Policy CR12 is intended to protect areas which have already been specifically identified to be of particular biodiversity value I consider it needs to be robust in accordance with advice in Planning Policy Guidance No. 9 and the Structure Plan. The policy does not preclude all development, only that which would have a *material adverse* impact.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.4 POLICY CR13 BIODIVERSITY

The Objections

408 Suffolk Wildlife Trust

Suggests that English Nature be consulted to ensure that Regionally Important Geological/Geomorphological Sites are covered.

1618 Tesco Stores Limited/Littman & Robeson

Objection to wording of policy wording, suggesting that it does not acknowledge possible benefits arising from development.

Inspector's Reasoning and Conclusions

2.4.1 I understand that English Nature has been consulted to obtain appropriate information but there is no need for this to be stated in the policy.

2.4.2 As Policy CR13 is intended to protect areas which have already been specifically identified to be of particular biodiversity value I consider it needs to be robust in accordance with advice in Planning Policy Guidance No. 9 and the Structure Plan. The policy does not preclude all

development, only that which would have a *material adverse* impact.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.5 POLICY CR14 BIODIVERSITY

The Objections

682 GO-East

Policies in the development plan are implemented not only by the District Council, and should not refer to a specific authority. Policies should provide clarity and certainty. Policies should relate only to the development and use of land. The purpose of the local plan is to set out those matters which are likely to provide the basis for determining planning applications or considering conditions to be attached to planning permissions (see PPG12 para 3.14). Welcome rewording, however, policy repeats a legal requirement and consequently can be deleted.

1619 Tesco Stores Limited/Littman & Robeson

Objection to policy wording, suggesting that it does not acknowledge possible benefits arising from development.

Inspector's Reasoning and Conclusions

- 2.5.1 Reference to the District Council was deleted at the 2nd Deposit Stage as policies in the plan are not only implemented by the district. The policy does repeat legislation, but the protection of wildlife is generally a land use matter. However, I see no need to list the legislation, it would be sufficient to end the policy by stating "... a material adverse impact on **protected species.**" If the Council considers it necessary the relevant legislation could be listed in the supporting text.
- 2.5.2 As Policy CR14 is intended to protect species which have already been identified to be of particular biodiversity value I consider it needs to be robust in accordance with advice in Planning Policy Guidance No. 9 and the Structure Plan.

RECOMMENDATION

Modify the Plan by ending the policya material adverse impact on **protected species**.

2.6 POLICY CR15 BIODIVERSITY

The Objections

1620 Tesco Stores Limited/Littman & Robeson

Objection to inflexibility of policy. Argues that there should be a balance in enabling development and taking measures to accommodate it.

8874 Ashwell Developments Limited/FPD Savills

Policy CR15 states that development proposals should protect and retain existing semi-natural features "on the site" including wildlife corridors and green wedges. Neither of these terms are clarified within the Glossary nor can we see any identification of these specific terms in the main body of the text nor the Proposals Maps.

8875 Ashwell Developments Limited/FPD Savills

We consider that the reference to wildlife corridors and green wedges is inappropriate given the lack of reference elsewhere in the Plan. The addition of these two terms adds nothing to the policy since it is the general intent of the Council to retain semi-natural features on all sites.

8876 Ashwell Developments Limited/FPD Savills

The way the policy is phrased in the Second Deposit Draft seems to suggest that wildlife corridors and green wedges are semi-natural features. This is plainly not the case. Accordingly it is argued that this should be deleted from the policy.

Inspector's Reasoning and Conclusions

2.6.1 In my experience the importance of wildlife corridors and green wedges can only be identified by detailed assessment and this is only likely to occur once a master plan, development brief or a planning application has been submitted. I would not expect to see them identified on a Proposals Map as they would be an integral part of a development site.

2.6.2 I do share the view of objectors that wildlife corridors and green wedges are not necessarily existing semi-natural features, they may well be created by proposed development. However, I do not consider this requires deletion of reference to such features as the policy offers

protection to those wildlife corridors and green wedges which are semi-natural features. With the words "wherever possible" I believe the policy is flexible enough to accept that development will not always be able to preserve all semi-natural features.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.7 POLICY CR16 BIODIVERSITY

The Objections

1621 Tesco Stores Limited/Littman & Robeson

Objection to policy on the basis that it may not be possible to provide mitigation.

Inspector's Reasoning and Conclusions

2.7.1 It seems to me that if development is acceptable in principle, one of the factors related to its acceptability would be its impact on biodiversity. In some cases mitigation measures may only be minor. I consider that the policy reflects the importance of protecting and enhancing biodiversity in Planning Policy Guidance No. 9.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.8 POLICY CR17 HABITAT CREATION

The Objections

1622 Tesco Stores Limited/Littman & Robeson

Objection to policy wording, stating that it may not always be possible to create new habitats, and that it is unreasonable to retain them in perpetuity.

Inspector's Reasoning and Conclusions

2.8.1 The policy merely says that the scope for habitat creation will *be actively sought* and that *if* new habitats are created, measures will be put in place.... The wording accepts that it may not always be possible to create new habitats. I believe that future management is an integral part of habitat creation and to put a time limit on such management would not be appropriate.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.9 POLICY CR18 LOCAL NATURE RESERVES

The Objections

689 GO-East

Policies should relate only to the development and use of land. Other matters should be relegated to the supporting text, etc. Policies which can not be implemented through the land use planning system should not be included in local plans. They should not include the reason for the policy – that is the role of the supporting text. Policies should provide clarity and certainty.

1623 Tesco Stores Limited/Littman & Robeson

Argues that Local Nature Reserve creation will usually arise as a result of development. Text of the policy should indicate that it is through this approach that such designations are likely to occur.

8496 Suffolk Wildlife Trust

Find the wording of this policy confusing. Suggest reword policy to: 'Where appropriate, opportunities will be sought to designate local nature reserves and take steps to secure their long term retention for the benefit of wildlife and public enjoyment.'

Inspector's Reasoning and Conclusions

2.9.1 In my experience Local Nature Reserve creation has not merely been the result of development proposals. The supporting text at paragraph 6.42 already mentions such opportunities and these do not need to be mentioned in the policy itself. However, I agree that a policy based on the wording of the Suffolk Wildlife Trust, which the Council accepts to be a reasonable alternative, would be preferable and would overcome some outstanding objections. I have slightly reworded the suggested policy.

RECOMMENDATION

Modify Policy C18 as follows:

Delete existing policy and replace with:

Where appropriate, when development is proposed opportunities will be sought to designate local nature reserves. Where such reserves are designated steps must be taken to secure their long term retention for the benefit of wildlife and public enjoyment.

2.10 PARAGRAPH 6.44 STOUR AND ORWELL ESTUARIES

B.D.C is proposing a change to Paragraph 6.44 Pre-Inquiry Change 24

[note: This change was proposed in response to representation 9469. However, subsequently representation 9469 has been withdrawn]

Revise the last sentence to read:

'In addition, a Management Scheme for the European Marine Site has been prepared. The District Council supports this document, which seeks to identify activities having a favourable impact on the condition of the European Marine Site: **provides a framework to enable the relevant authorities to carry out their responsibilities and functions, in line with the requirements of the Habitats Regulations, and with regard to the nature conservation features for which the Stour and Orwell Estuaries European Marine Site has been designated.**'

The Objections

None

2.11 POLICY CR19 STOUR AND ORWELL ESTUARIES

The Objections

690 GO-East

Policies should relate only to the development and use of land. Other matters should be relegated to the supporting text, etc. Policies which cannot be implemented through the land use planning system should not be included in local plans. Policies should not include the reason for the policy – that is the role of the supporting text. Policies should provide clarity and certainty.

1389 Suffolk Coast & Heaths Project

Comments given on the Management Scheme for the European Marine Site which forms part of the Stour and Orwell Estuaries.

Inspector's Reasoning and Conclusions

2.11.1 Paragraph 6.44 has been updated to mention the management scheme. The Council accepts that parts of the policy do not relate to land use matters. These should be omitted by deleting the second half of the policy.

RECOMMENDATION

Modify Policy C19 by deleting the second sentence after “the strict control of development”.

2.12 POLICY EN01 CONSERVATION OF ENERGY

The Objections

2725 Suffolk Preservation Society

Policy supported but wording should be strengthened to state 'require' instead of 'encourage'.

3013 Mr R A Smith

No specific details of objection received, letter sent 20.05.03 requesting clarification nothing additional has been forwarded.

4498 Bovis Homes Limited; 7792 House Builders Federation; 8877 Ashwell Developments Limited/FPD Savills

Objecting because the requirement to consider alternative and renewable energy sources, and the efficient use of energy and materials is a matter for building regulations, contrary to para 3.5 of PPG12, and not the Local Plan. Objector would like the two bullet points deleted in Policy EN01. It is suggested that energy efficiency/conservation in new homes will be best achieved through the Building Regulations.

5318 GO-East

We are concerned that EN01 as amended may be used to refuse planning permission where a development fails to incorporate

renewable energy within the schemes. GO East fully supports the need to deliver more renewable energy schemes to achieve the Government's target of 10% of electricity generated from renewables by 2010. However, it is not possible to use the land use planning system to require developers to include renewable energy generation as part of their development and therefore we request that the policy be amended.

5614 Suffolk Preservation Society

Object to the amended wording of this policy.

5615 Suffolk Preservation Society

The society cannot see how development proposals will be measured to ensure they meet the requirements of the policy "to be built to a high sustainable development standard"

5616 Suffolk Preservation Society

There appears to be a lack of clarity and certainty as to what the meaning of "Factors that need to be addressed" - are these requirements or suggestions? Can a developer choose to ignore the factors?

5617 Suffolk Preservation Society

The word 'energy' needs to be inserted after renewable in the first bullet point.

Inspector's Reasoning and Conclusions

2.12.1 This is a general policy which attempts to ensure that development is built to a high sustainable standard. It has been reworded at the 2nd deposit stage to include factors that need to be addressed and to overcome some objections. On advice in PPS 22 local planning authorities should encourage small scale renewable energy schemes through positively expressed policies. This would not be a duplication of the Building Regulations. An assessment of sustainability could be included in Supplementary Planning Guidance but with detailed national guidance I doubt this is necessary. I would expect that the policy would only be used as a basis for negotiation at the planning application stage.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.13 PARAGRAPH 2.10 CONSERVATION OF ENERGY

The Objections

1335 English Heritage

We suggest that a new paragraph on the sustainability of re-using existing buildings would be appropriate here.

Inspector's Reasoning and Conclusions

2.13.1 I believe this matter has been adequately covered by the additions made by the Council to paragraph 2.35 of the supporting text

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.14 POLICY EN02 CONSERVATION OF ENERGY

The Objections

1 Mr R A Smith

No mention made of ground energy (from underground pipes) also known as geothermal energy, as widely used in parts of the USA and Canada which could be used in suitable ground locations (such as near 'Buyright' store in Hadleigh). The depth of pipe burial could also provide a useful offsite energy source for adjacent land uses, such as housing.

1473 Mr A Gordon/Fenn Wright; 2145 Mr J Peacock/Fenn Wright

This representation does not raise an objection to Policy EN02 but states that its associated development (land at East Bergholt – rep 1473 and land at Raydon – rep 2145), proposed through other representations, would support Policy EN02.

2726 Suffolk Preservation Society

SPS support the policy but its wording should be strengthened to state 'require' instead of 'encourage'.

Inspector's Reasoning and Conclusions

2.14.1 This was in part a duplication of Policy EN01 and was deleted at the "2nd Deposit Stage. Policy EN01 was accordingly reworded to cover all kinds of alternative and renewable sources.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.15 POLICY EN03 RENEWABLE ENERGY

The Objections

5618 Suffolk Preservation Society

The policy needs to encourage renewable energy generation proposals. Amend wording to: 'The Council supports proposals for renewable energy projects'.

5619 Suffolk Preservation Society

Suggest that criteria or wording either in the policy or supporting text be introduced to indicate where this type of development might be acceptable rather than saying where it will not be acceptable.

Inspector's Reasoning and Conclusions

2.15.1 It would not be appropriate to include in the policy wording that the Council supports proposals for renewable energy projects, because it may or may not, depending upon the criteria which has to be met. Also because of their regional importance planning decisions for such development may well be taken by another planning authority. The policy does state that "Planning permission will be granted for development" and then as required by PPS 22 lists criteria that will be applied in assessing applications. Attempting to include a range of comprehensive positive criteria would involve a far more detailed assessment of the impact of different form of renewable energy development on parts of the countryside. I doubt this would be justified bearing in mind that such projects are mainly "one off" proposals and often dependent upon factors not necessarily previously known to the Council.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.16 PARAGRAPH 2.14 PROTECTION OF FLOODPLAINS AND WASHLANDS

The Objections

1237 Miss A Stephenson

In addition to the river flow, much of the water drawing from the eastern rim of Hadleigh runs down to the High Street and hence to the river. The area should not be used for any other purpose than grassland and objector would like to see this acknowledged in the Local Plan. The River walk is also a flood plain and requires protection from water flowing into it. The trees are tipping over due to root rot and the many small pools have remained all summer – stagnant and possibly a breeding ground for mosquitos.

Inspector's Reasoning and Conclusions

2.16.1 Paragraph 2.14 in the supporting text is a statement of fact relating to the district as a whole. It does recognise that new development needs to be carefully sited and designed, if permitted in a flood plain.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.17 PARAGRAPH 2.15 PROTECTION OF FLOODPLAINS AND WASHLANDS

The Objections

1317 The Hadleigh Society

The use of the Indicative Floodplain Maps is only reliable if it includes the predicted long-term information. Clearly, the previous 100-year rule requires considerable revision for the future.

Inspector's Reasoning and Conclusions

2.17.1 Paragraph 2.15 reflects advice in Planning Policy Guidance No. 25. As advice on flooding is subject to change and periodic updates I believe the approach taken by the Council to include paragraph 2.15a advising that flood risk areas will be determined with the help of supplementary guidance is the way forward.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.18 PARAGRAPH 2.15a PROTECTION OF FLOODPLAINS AND WASHLANDS

The Objections

9482 Tesco Stores Limited/Littman & Robeson

Flood risk is an important consideration and should not be delegated to or delayed for the preparation of Supplementary Planning Guidance. It should be in the Local Plan.

Inspector's Reasoning and Conclusions

2.18.1 I have expressed my views when dealing with paragraph 2.15 above. The Environment Agency's Indicative Flood Plain Maps will be the primary information source and these are readily available. I understand that an SPG on flooding has already been prepared which provides more detailed local information.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.19 POLICY EN05 PROTECTION OF FLOODPLAINS AND WASHLANDS

The Objections

1296 Mrs J Byrne

The objection relates to the definition of the floodplain affecting central Hadleigh. The Environment Agency's Indicative Floodplain maps do not show a large enough area at risk from flooding and this requires further investigation.

1591 Tesco Stores Limited/Littman & Robeson

It is inappropriate to base a policy on an 'Indicative' Floodplain Map. If a development plan is to provide information on these matters it should be more certain. No Indicative Floodplain Map is provided with the Local Plan and in its absence a holding objection is made with regard to the possible designation of land to the west of Hadleigh High Street. The policy needs to be amended to take account of those circumstances where redevelopment results in a reduction of built development, or obstruction to flow, on a site. Particular criteria need to be in place to address such a situation.

5620 Suffolk Preservation Society

The society question whether the Environment Agency's indicative floodplain maps totally accurate and comprehensive in all respects and what does "identified through other sources" mean?

5621 Suffolk Preservation Society; 5622 Suffolk Preservation Society

The policy as amended is extremely long and some areas difficult to follow - simplification is needed. Clarification as to the meaning of identified through other sources. Two shorter policies advocated instead.

9159 Hadleigh Town Council

Unhappy about the proposal for the developer/applicant to provide a Flood Risk Assessment. We feel that arrangements should be made for the assessment to be undertaken by specialists independent of the applicant. With the developer choosing the specialist there is a real risk that the report will produce the 'right result' for the developer - with longer term problems for the community.

Inspector's Reasoning and Conclusions

- 2.19.1 Planning Policy Guidance No. 25 makes it clear that the Environment Agency should play the leading role in providing advice on flooding matters. However, in paragraph 2.15a of the plan the Council accepts that the Environment Agency's Indicative Floodplain Maps are the *primary* source of information on flooding. Also Policy EN05 as reworded recognises *other sources* of information.
- 2.19.2 I consider it reasonable to require a developer to provide a flood risk assessment in the first instance as part of a proposal to develop. If the Council is concerned about the information received it can arrange for it to be checked by an independent consultant or seek advice from the Environment Agency.
- 2.19.3 Although the policy is long I do not find it difficult to follow. I consider it needs to be comprehensive and read as a whole. Splitting it into two policies would not help. I have no suggested revised wording of the policy before me.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.20 PARAGRAPH 2.16 PROTECTION OF FLOODPLAINS AND WASHLANDS

The Objections

8879 Ashwell Developments Limited/FPD Savills Conditional Withdrawal

It is argued that the text within Paragraph 2.16 is inconsistent with Policy EN06. Policy EN06 states that there are exceptions to these circumstances i.e. where there is no practical alternative, or the detriment would be so minor that it would not justify a more costly alternative. The policy then goes on to suggest that where it is appropriate to culvert ditches and watercourses then adequate mitigation must be provided for the damage caused. It is therefore our view that paragraph 2.16 needs amendment to allow for such exceptions to be put in place.

B.D.C is proposing a change to Paragraph 2.16 Pre-Inquiry Change 25

Amend the wording of paragraph 2.16, to read:

'The culverting of watercourses can adversely affect hydrological processes, archaeological remains, landscape character and biodiversity, so it will be refused planning permission **unless there is no practical alternative or there is minimal adverse effect. Where such culverting does take place, appropriate safeguarding and mitigation measures will be sought to address any adverse impact.**'

The Objections

None.

Inspector's Reasoning and Conclusions

2.20.1 I consider the revised wording shown above adequately deals with the inconsistency objection.

RECOMMENDATION

Modify paragraph 2.16 of the Plan in accordance with Proposed Pre-Inquiry Change No.25

2.21 POLICY EN06 PROTECTION OF FLOODPLAINS AND WASHLANDS

The Objections

5676 Suffolk Preservation Society

The papers submitted merely state 'Support (Qualified)', with no further material submitted since and therefore no grounds of support or objection.

Inspector's Reasoning and Conclusions

2.21.1 I have no detailed comments on the wording of this policy which deals with the culverting of ditches and watercourses to protect floodplains and washlands.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.22 POLICY EN07 WATER CONSERVATION

The Objections

2731 Suffolk Preservation Society

Change the existing word 'encourage' to 'expect' or 'require'.

4488 Bovis Homes Limited

Objecting to the policy because it is too prescriptive. It should be re-drafted to refer to measures for the efficient use of water as being encouraged rather than required.

5623 Suffolk Preservation Society

The society agrees with the overall aims of this policy but has doubts that the amended wording will work or achieve its objectives.

7793 House Builders Federation; 7794 House Builders Federation; 7795 House Builders Federation

The House Builders Federation consider that the policy as amended (factors which need to be addressed) seems to concern itself with Building regulation matters contrary to para 3.5 of PPG12, which states that local plans should not duplicate provisions of other legislative regimes. The HBF questions how the planning system could be expected to control and dictate the efficient use of water

within new buildings. HBF would suggest that the efficient use of water in new buildings will be best achieved through the Building Regulations.

8881 Ashwell Developments Limited/FPD Savills

Policy EN07 of the Second Deposit Plan is proposed to be amended to delete the words encourage and to insert a stricter line in terms of a requirement to incorporate conservation measures for the efficient use of water in new development. The requirement for such measures is too inflexible and an amendment to the policy, which still puts the onus upon the developer to meet the Council's concerns, is still enshrined. Accordingly, we suggest the following wording for Policy EN07: "Development proposals should seek to demonstrate measures for the conservation and efficient use of water in the design and layout of new development and in the design of new buildings. Such requirements will apply to both surface water run-off and water being used within buildings".

Inspector's Reasoning and Conclusions

- 2.22.1 The policy was tightened up at the 2nd Deposit Stage by the inclusion of the word "must". The policy was also combined with EN08.
- 2.22.2 I consider the policy reasonably reflects the requirements of the Structure Plan ENV12 and ENV13 to promote water conservation in new development. This is becoming more important with increasing development and shortage of water in some areas. In my view strict control is necessary to ensure the prudent use of water.
- 2.22.3 However, although I accept that the planning authority would have control over the design and layout of new development, it is not clear to me how it would have the detailed information necessary to assess the efficient use of water *within* new buildings under its development control powers. Even if it obtained the information I cannot envisage a refusal of planning permission based on say, the lack of a grey water recycling system in houses unless it is backed up by specific legislation. This is more likely to be under the Building Regulations as the installation of the system could be checked. I am inclined to the view that although what is being attempted is desirable the last sentence of the policy should be deleted. If back up legislation is introduced the phrase "design of new buildings" in the policy would be sufficient to impose such control, particularly with

the descriptive wording in the supporting text at
paragraph 2.17

RECOMMENDATION

Modify the Plan by deleting the second sentence of Policy EN07

2.23 POLICY EN08 WATER SUPPLY

The Objections

2 Mr R A Smith

There is no mention of the problems caused to the environment and to the incomes of people by the adversely high levels of limescale in tap water. The chemicals used affect health, while limescale leads to premature appliance failure and reduced boiler efficiency.

344 House Builders Federation

Until such time as techniques like grey-water recycling are fully developed and safe to use, the Council should not require such techniques, whilst it can still encourage water conservation, which is what Policy EN07 does. Some of the other measures mentioned are more appropriately dealt with through Building Regulations control, instead of planning policy. This policy should therefore be deleted.

1899 Bellway Homes Ltd

The designs of this policy are laudable but the detail is covered by Building Regulations and the requirements of the relevant water agencies (e.g. EA, AWA). The District Council should only seek to encourage their aspirations being addressed, as is the case with Policy EN07. Accordingly, the policy should be amended to read: 'The District Council will encourage techniques to make efficient use of water resources in the design of new developments'.

Inspector's Reasoning and Conclusions

2.23.1 This policy was deleted at the 2nd deposit stage. See my report on Policy EN07 above.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.24 EN09 WATER SUPPLY

The Objections

1900 Bellway Homes Ltd

Most of the requirements of this policy are already dealt with by the relevant Water Agencies and accordingly its need is questioned.

5625 Suffolk Preservation Society

The society considers that the wording of the policy as amended appears to duplicate itself between the first and second sections which start with the words "development".

Inspector's Reasoning and Conclusions

2.24.1 I consider the concept of this policy is wider than the responsibilities of water agencies. It reflects Structure Plan Policies ENV12 and ENV13. Although development is mentioned in the two parts of the policy they do refer to different issues. However, I question the need for the second sentence of the policy as planning permission will be refused if adequate infrastructure is not provided. This is stated clearly in the third sentence.

RECOMMENDATION

Modify the Plan by deleting the second sentence " Adequate infrastructure must be provided before the development is occupied"

2.25 POLICY EN10 SURFACE WATER RUN-OFF

The Objections

343 House Builders Federation

One of the major problems with Sustainable Urban Drainage Systems is responsibility for [subsequent] adoption. Whilst this appears to be recognised in the text, the Council should also make a commitment to working with the other agencies to help resolve such problems, and not leave it to the developer. The policy should not require the use of SUDS, partly because technical and adoption issues have yet to be resolved, but also as some sites are inherently unsuitable for these systems, e.g. urban redevelopment sites. Use of the word 'encourage' would be more appropriate.

412 Suffolk Wildlife Trust

Sustainable Urban Drainage Systems often involve the use of engineering solutions that mimic natural drainage processes, such

as depressions, ponds and reed beds. There are often opportunities for habitat gain in these circumstances and consequently we recommend that design of these features is incorporated at an early stage of the planning process. Can this be reflected in the policy or supporting text?

1446 Ralston Purina Northern Europe/RPS Consultants

Policy EN10 as currently worded appears to require the use of Sustainable Urban Drainage Systems (SuDS), when dealing with surface water run-off from all new developments. As there may be circumstances (e.g. where ground conditions are unfavourable) where the use of SuDS would be inappropriate, RPS Consultants (RPS) consider that the following should be added to the end of the policy: '.....where appropriate.'

2734 Suffolk Preservation Society

Representation also refers to paragraph 2.18. Sustainable Urban Drainage Systems (SuDS) should be required to include permeable surfaces to allow for the earliest return of rainfall into the aquifer. This requirement could be catered for in Supplementary Planning Guidance.

5626 Suffolk Preservation Society

The society seeks clarification of the meaning of "consideration" in the context of this policy? Is it a requirement or suggestion? Would suggest that as currently worded the policy is open to interpretation and does not offer certainty and clarity. Would however support the underlying objective of the policy.

Inspector's Reasoning and Conclusions

2.25.1 Although this approach is in line with a move towards more sustainable development I share the concern of the objectors that SuDS are not suitable in all situations. The policy as written assumes SuDS to be suitable for all developments regardless of ground conditions, whereas the use of SuDS is an alternative solution but not the only one. However, I do not consider "to encourage" SuDS would be firm enough. In my view the use of SuDS should depend upon suitable conditions. Permeable surfaces may be appropriate but not always. This level of detail is not for a local plan policy.

2.25.2 It is early days but I understand that SuDS schemes in connection with large developments appear to have been reasonably successful in providing habitats for wildlife. However, whether a wildlife habitat would be appropriate within a scheme would depend on the form

and location of the particular development and would be a matter for negotiation.

RECOMMENDATION

Modify the policy by adding at the end of the first sentence **unless soil conditions and/or engineering assessment dictates otherwise**

2.26 POLICY EN13 WATER AND SEWERAGE INFRASTRUCTURE

The Objections

342 House Builders Federation

Developers pay infrastructure charges to Water Companies for new dwellings which are supposed to pay for new water and sewerage infrastructure to meet new development needs. It is therefore inappropriate to include any reference in planning policy to payments being made. If Policy EN09 were amended to refer to both water and sewerage provision, with an additional reference to the need in some instances for phasing to ensure provision, this matter would be adequately covered.

1086 Hadleigh Town Council

Amend policy wording to 'Developers will have to contribute.....'

Inspector's Reasoning and Conclusions

2.26.1 The Council deleted this policy at the 2nd Deposit Stage. It is not required as both Policy LP01 and Policy EN09 cover part of its aims.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.27 PARAGRAPH 2.21a WATER AND SEWERAGE INFRASTRUCTURE

The Objections

7545 Mr R A Platt

Objecting due to there being no reference to the potentially beneficial effect of restoration of the navigation for flood defence and preservation in the water meadows.

Inspector's Reasoning and Conclusions

2.27.1 It is not clear to me what additional wording is being suggested. This paragraph is primarily concerned with surface water drainage. Although proposals might exist I have no evidence before me that there is a scheme for the restoration of the navigation for flood defence purposes which could be mentioned in the supporting text of the Plan.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.28 POLICY EN14 WATER QUALITY AND RESOURCES

The Objections

413 Suffolk Wildlife Trust

We strongly advise that this policy should be expanded to include reference to 'related effects such as on amenity, landscape or nature conservation interests and that development would not be permitted unless satisfactory mitigation measures to safeguard water quality and quantity are included.'

5627 Suffolk Preservation Society; 5628 Suffolk Preservation Society

The society has concerns over some of the wording of this amended policy. Specifically the society is unsure how you propose to measure whether proposals constitute "an unacceptable risk". Also to whom would be the "unacceptable risk" refer too and how will it be measured?

5629 Suffolk Preservation Society

What is meant by "satisfactory mitigation measures"?

5630 Suffolk Preservation Society

As currently worded do not consider this policy offers clarity and certainty. Doubt that in its current form it is enforceable.

Inspector's Reasoning and Conclusions

2.28.1 With the revised wording at the 2nd Deposit Stage other related effects on the environment would be taken into account. I do not consider the policy could be more specific as the particular

risks and mitigation measures would vary from site to site and would depend upon detailed advice from the Environment Agency and Anglian Water.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.29 POLICY EN15 WATER QUALITY AND RESOURCES

The Objections

1087 Hadleigh Town Council

Replace existing words 'provide appropriate facilities' with wording like 'clearly designate and operate proper facilities'.

Inspector's Reasoning and Conclusions

2.29.1 The facilities that would be appropriate would depend upon the operation involved on site. Other legislation would ensure the proper operation of any such facility to avoid pollution.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.30 PARAGRAPH 2.23 SEWERAGE AND SEWAGE DISPOSAL

The Objections

15 Mr R Burtt

Hadleigh's sewerage and sewage disposal has been precarious, particularly in certain areas. Responses received from Anglian Water in relation to this are unsatisfactory. Therefore, the paragraph should direct that developers must discuss future proposals with AW in advance, rather than as it currently says be 'encouraged to' do so.

Inspector's Reasoning and Conclusions

2.30.1 The Council has no powers to direct developers to have prior discussion with water authorities. It can only encourage it. The supporting text merely gives this advice.

RECOMMENDATION

That no modification be made to the Plan in response to this objection

2.31 POLICY EN16 SEWERAGE AND SEWAGE DISPOSAL

The Objections

1901 Bellway Homes Ltd

This policy in part (a) duplicates Policy EN09. The Council is, therefore, requested to consider the objections to EN09 with respect to Policy EN16(a). Policy EN16(b) is too prescriptive. The Council needs to explain why, in principle, private sewage treatment facilities should not be allowed. They can offer environmental enhancements, e.g. reed bed and grey water technology. This policy criterion seems to contradict the sustainable aspirations displayed elsewhere within the Draft Local Plan, e.g. Policy HS25.

2740 Suffolk Preservation Society

A specific requirement for reed bed drainage treatment should be required.

Inspector's Reasoning and Conclusions

2.31.1 I do not consider there is duplication in part a) of the policy with Policy EN09 as they are concerned with different matters. One water supply and the other sewage disposal.

2.31.2 Paragraph 2.23c lays down the preferred approach towards the provision of sewerage facilities. Although the Council has stated that the reason for b) is to ensure that wastefulness of creating new facilities is avoided where the existing facilities can perform the role satisfactorily, I consider this is most unlikely to happen. I doubt that any developer would go to the high cost of alternative provision if there is a *readily available* foul sewerage system.

- 2.31.3 Private sewage facilities and septic tanks have been grouped together but there are considerable differences between the two. I agree that septic tanks should not be permitted if there is an existing foul sewerage system but there are circumstances where a private treatment plant might be a reasonable economic alternative. I am inclined to the view that b) is too prescriptive. I suggest starting b) by deleting "Private sewage treatment facilities, in particular" and stating **Septic tanks will not be permitted....** Then add an additional criterion where private sewage disposal facilities are proposed as the first bullet point **they are a reasonable economic and environmental alternative**
- 2.31.4 Details of a private treatment scheme and subsequent improvements to the biodiversity of the environment would be a matter for negotiation at the planning application stage.

RECOMMENDATION

Modify EN16 b) by deleting "private sewage treatment facilities" and start the sentence **Septic tanks will not be.....** Add an additional criterion as the first bullet point **they are a reasonable economic and environmental alternative**

2.32 PARAGRAPH 2.25 HAZARDOUS INSTALLATIONS AND CONTAMINATED LAND

The Objections

25 Health & Safety Executive

There may be a conflict between the Plan's policies and the presence of hazardous installations and pipelines in the vicinity. Any proposed developments should take the presence of these into account. It would be helpful to potential developers if the constraints imposed by the presence of the pipelines and explosives were indicated in a policy statement in the Plan.

Also suggest that the Proposals Map be marked to show the locations of the notifiable installations consistent with paragraph 6.21 of PPG12. We particularly recommend marking the routes of the notifiable pipelines, as most incidents involving damage to

buried pipelines occur because third parties are unaware of their presence.

Inspector's Reasoning and Conclusions

- 2.32.1 I find paragraph 2.24a added at the 2nd Deposit stage and 2.25 as revised to be comprehensive in their description of hazardous installations, pipelines and contaminated land. There is a recognised consultation procedure in respect of installations and pipelines.
- 2.32.2 Although I have seen general policies about hazardous installations in plans they have contained little detail on constraints and in previous local plans I have dealt with pipelines have not been shown on Proposal Maps but sometimes Major Hazard Zones have. I accept that it might be helpful to include installations if the scale of the map lends itself to reasonably accurate identification but I have no evidence about the extent of such installations in the district or the work involved.
- 2.32.3 Neither do I have any suggestions on a form of wording for a policy, to assess whether it would be appropriate or too prescriptive for a local plan. On the basis of my comments above I can only ask the Council to reconsider the need for such a policy as I am unable to come to a firm conclusion on the matter.

RECOMMENDATION

Council to reconsider need for a policy and additions to the Proposal Map

2.33 POLICY EN17 HAZARDOUS INSTALLATIONS AND CONTAMINATED LAND

The Objections

1902 Bellway Homes Ltd

It is accepted that contaminated sites should be the subject of an approved remediation scheme.

The final paragraph of section 2.25 appears to suggest that the Council would apply appropriate conditions in respect of remediation. In contrast, Policy EN17 requires the issue to be dealt with prior to any approval being granted, possibly even suggesting

that remediation should be implemented prior to gaining any planning approval. Policy EN17 should be amended to reflect these sentiments in paragraph 2.25.

5632 Suffolk Preservation Society

The society considers that the amended wording of this policy does not offer clarity or certainty.

5633 Suffolk Preservation Society

Is it appropriate to grant planning permission in all cases on a site where there is a suspicion of contamination and seek to rectify any problems by condition or requirement.

Inspector's Reasoning and Conclusions

2.33.1 The policy has been amended to reflect the supporting text. The Council is only able to deal with proposals for the development of contaminated land on their own merits, dependent upon the type of development and contamination. I believe the policy clearly lays down procedure to be followed and is comprehensive enough for the purpose.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.34 PARAGRAPH 2.33 WASTE MANAGEMENT ALL WASTE

The Objections

2593 Nayland with Wissington Parish Council

Recycling: Parish Councils need more support from Babergh Council in providing recycling facilities.

Inspector's Reasoning and Conclusions

2.34.1 This objection is not directly related to planning but more to the overall responsibilities of the Council in its role as a waste disposal and recycling authority. Paragraph 2.33 lays down Council objectives regarding the provision of future facilities when major development occurs.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.35 POLICY EN20 WASTE MANAGEMENT ALL WASTE

The Objections

1903 Bellway Homes Ltd

The policy is overly prescriptive. This is for the following reasons: It sets arbitrary thresholds without justification. It requires, rather than 'seeks', recycling collection points. The Council should justify its requirement in relation to the 6 tests that conditions should satisfy in Circulars 11/95 and 1/97. Without this justification it is believed that the requirement does not satisfy these tests and should not be considered as a potential development obligation matter. The criteria set out may not be commercially viable since waste management companies may not want to collect from the sites / facilities provided.

7797 House Builders Federation

It is unclear as to the specific nature of any requirement to provide space for composting and for the storage of recyclable units at individual dwellings. Would this be part of normal household storage arrangements, or would specific areas have to be made available at each property? If so, such a requirement would utilise extra land and result in lower densities.

Inspector's Reasoning and Conclusions

2.35.1 Although the policy includes the provision "where there are no existing recycling collection points within a distance of 600m of the site" and now also refers to the waste management strategy, I consider the policy as worded is too prescriptive. The thresholds are arbitrary and it is likely that arrangements for some forms of waste disposal and/or collection would be a requirement on most sites, regardless of size, dependent upon location. I believe a simpler policy is required which would allow for flexibility of provision and negotiation in accordance with government guidance. I suggest the following wording.

RECOMMENDATION

Modify the Plan by deleting the policy and substituting:

To require the provision of adequate and accessible storage and/or recycling facilities in all appropriate developments to enable refuse and compost to be easily collected for disposal and recycling

2.36 PARAGRAPH 2.34 WASTE MANAGEMENT ALL WASTE

The Objections

1904 Bellway Homes Ltd

Paragraph 2.34 is subject to this objection (related to 1903 on Policy EN20) as it looks for the District Council to be satisfied that recycling collection points can be delivered and maintained. It is respectfully requested that the Council, through the LP review, provides clarity on how they believe these sites can be commercially achieved. If this is done, the policy should be appropriately amended. If it is done and proven unrealistic then the policy should be deleted.

Inspector's Reasoning and Conclusions

2.36.1 I do not consider that paragraph 2.34, needs revision because it refers to the future management of a site *if* a recycling site is provided. It is closely linked to Policy EN20 which I have commented on above.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.37 POLICY EN21 WASTE MANAGEMENT ALL WASTE

The Objections

622 GO-East

The development plan should offer certainty and clarity. Policies should relate only to the development and use of land. Other matters should be relegated to the supporting text, etc. Policies which can not be implemented through the land use planning system should not be included in local plans. The policies should include those matters which will be taken into account in land use decisions. They should not include the reason for the policy – that is the role of the supporting text.

1593 Tesco Stores Limited/Littman & Robeson

Whilst the principle of materials re-use is supported, the policy is currently structured so as not to give adequate advice as to the various reasons when this would be impractical.

1905 Bellway Homes Ltd

This policy is too onerous and contrary to the provisions of Circular 11/95. For the District Council to stipulate that new developments 'must' recycle materials on site then they presumably would condition as such on future decision notices. It is believed that such condition(s) would fail a number of the 6 tests in Circular 11/95. This brings into question the legitimacy of Policy EN21. The same as above also applies to what happens to materials off site. It is unreasonable for the District Council to expect developers to provide 'recycling plans'. These would once again need to be conditioned and it is believed would fail 11/95. The District Council does not have control over all matters relevant to this proposed policy, e.g. demolition. Equally, would it have the expertise to assess the 'recycling plans', e.g. would the quality of material produced on site be what is required in the construction process? In the light of the above, it is believed that this policy should be deleted.

Inspector's Reasoning and Conclusions

2.37.1 Although I consider the intent of the policy to be laudable I doubt its practicality and enforceability through the land use planning system. It raises a number of questions. Who would decide whether it is practical to re-use materials and how would materials to be used or removed from the site be monitored on or off site? Also in most circumstances the demolition of buildings is not controlled under the planning process.

RECOMMENDATION

Delete Policy EN21

2.38 PARAGRAPH 2.38 AIR QUALITY

The Objections

16 Mr R Burtt

Pollution and traffic counts have increased in central Hadleigh over the last 6 months / year.

Inspector's Reasoning and Conclusions

2.38.1 Although pollution and traffic counts may have increased paragraph 2.38 refers to hotspots determined by recognised air monitoring techniques. No doubt the Council will

take regular readings to update findings but it is unlikely that central Hadleigh would fall within the " hotspot" category.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.39 PARAGRAPH 2.46 LIGHT POLLUTION

The Objections

1337 English Heritage

We suggest that a further bullet point be added to cover visual amenity, e.g. the effect of inappropriate flood lighting on listed buildings.

Inspector's Reasoning and Conclusions

2.39.1 Paragraph 2.46 merely mentions the 3 main elements of light pollution. Policy EN22 as revised at d) deals with the adverse effects of lighting on buildings or areas of architectural or historic quality.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.40 PARAGRAPH 2.47 LIGHT POLLUTION

The Objections

2032 Pinewood Parish Council

Guidelines of Policies EN22 and EN23 supported but these should be imposed on Copdock Interchange Retail Park where the lighting currently falls beyond these guidelines. This is to the detriment of amenity and highways safety.

B.D.C is proposing a change to Paragraph 2.47 Pre-Inquiry Change 26

Amend the wording of paragraph 2.47 by adding new text as proposed, as follows:

'Policy EN22 will apply to proposals for highway/ street lighting since these also have the potential to cause the problems mentioned above. **The District Council will continue to work with Suffolk County Council with a view to reducing light pollution from highway / street lighting.'**

The Objections

None.

Inspector's Reasoning and Conclusions

2.40.1 The supporting text of paragraph 2.47 has been amended to include a statement about reducing light pollution. A policy cannot be applied retrospectively to existing lighting.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.41 POLICY EN22 LIGHT POLLUTION

The Objections

1092 Hadleigh Town Council

In relation to light pollution, there is concern about the adverse impact of security / convenience lighting on domestic and similar premises. Often these are poorly positioned and aligned and cause dangers for road users and nuisance to neighbours and local fauna. Is there any way that some wording could be incorporated in Policy EN22 or EN23 to apply some control over new development consents?

There is also concern about the insidious adverse effect of security lighting on industrial estates in rural settings. At night the light can be seen for many miles across open countryside. Are there any aspects that a planning policy could incorporate to ensure a developer takes ameliorative steps to reduce the adverse environmental impact?

1594 Tesco Stores Limited/Littman & Robeson

The policy is structured in too rigid a manner. Regard should be paid to the various criteria (amongst other possible considerations). Many of the criteria are too prescriptive. It is inappropriate to

require that lighting is set at minimum necessary levels. There may be situations where it is appropriate for other planning reasons to exceed that level.

1906 Bellway Homes Ltd

This policy is simply too onerous, unreasonable and, in part, contrary to Circular 11/95. There is no justification to suggest that an application be accompanied by a detailed lighting scheme.

Public lighting is usually adopted by the relevant Highways Authority who have their own requirements, subject to various British Standards. If Policy EN22 requires the same standards this renders it unnecessary. If not, it conflicts with Highways Authority standards, causing confusion in the development process.

Private lighting, by definition, does not necessarily constitute development, and cannot therefore be effectively governed by a policy.

Despite the above, it is understood that the Suffolk Design Guide for Residential Areas covers lighting under section 6. Importantly, Appendix B on planning proposals does not require detailed lighting schemes to support planning applications.

2746 Suffolk Preservation Society

Control by intensity sensors should be required.

5319 GO-East Conditional Withdrawal

Policy EN22 appears to be delegating decisions to SPG, contrary to PPG12.

B.D.C is proposing a change to Policy EN22 Pre-Inquiry Change 27

Amend Policy EN22 by deleting requirement to comply with SPG: ~~'The application is accompanied by a detailed lighting scheme which complies with any supplementary planning guidance adopted by the District Council in respect of outdoor lighting~~

The Objections

None

Inspector's Reasoning and Conclusions

- 2.41.1 This policy has been amended to avoid unnecessary detail and provides a list of criteria on which outdoor lighting will be judged. The Council will also require a detailed lighting scheme as a basis for assessing its impact. Relegating decisions to Supplementary

Planning Guidance has been changed by Pre-Inquiry Change 27 above. Reference to guidelines for developers in the supporting text at paragraph 2.47 presumably refers to SPG. If so this will also need to be deleted.

- 2.41.2 The Council is only able to exercise control over security lighting if it requires planning permission. If it does I consider Policy EN22 is comprehensive enough to deal with both amenity and light pollution considerations. To avoid light pollution, on balance I consider it reasonable to include a requirement that the proposed lighting is the minimum necessary. I doubt whether a detailed lighting scheme would be justified in all cases involving outdoor lighting. It seems to me that a) has been so modified that it could be deleted, and a note put in the supporting text to the effect that the Council may ask for a detailed lighting scheme. It has the right to ask for such additional information under day to day development control powers.

RECOMMENDATION

Modify Policy EN22 by deleting a) and the supporting text referring to SPG in paragraph 2.47.

Add to paragraph 2.47 (between the two policies on page 51) **A detailed lighting scheme may be required to enable proper assessment of lighting options to be made.**

2.42 POLICY EN23 LIGHT POLLUTION

The Objections

1093 Hadleigh Town Council

In relation to light pollution, there is concern about the adverse impact of security / convenience lighting on domestic and similar premises. Often these are poorly positioned and aligned and cause dangers for road users and nuisance to neighbours and local fauna. Is there any way that some wording could be incorporated in Policy EN22 or EN23 to apply some control over new development consents?

1595 Tesco Stores Limited/Littman & Robeson

The policy should state that regard is paid to its criteria, rather than dictating the circumstances when approval would be given.

It is inappropriate for determinations under the Advertisement Regulations to be considered against other policies in the plan that are not specifically concerned with amenity and highway safety. The text does not make this clear, particularly in respect of criterion A.

2747 Suffolk Preservation Society

We recommend that there is a presumption against illuminated advertisements, particularly petrol stations and garage forecourts being illuminated during daytime. We believe this clause could be reconsidered accordingly.

3722 Nayland with Wissington Conservation Society

Objects to the removal of clause a). Would like it to be replaced.

Inspector's Reasoning and Conclusions

2.42.1 The policy has been amended to better accord with the Advertisement Regulations under which proposed advertisement signs can only be assessed on amenity and highway safety grounds. There can be no presumption in a policy against proposals for illuminated advertisements on particular commercial premises, they need to be determined against relevant amenity and highway safety criteria. As the plan is read as a whole there is no need for cross-reference to other policies in the Plan.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.43 POLICY EN24 NOISE

The Objections

1095 Hadleigh Town Council

This section needs to be expanded with more explanation of the importance of noise issues. The policies are poorly worded and are unlikely to be effective. The wording needs to be strengthened to ensure proper protection for all.

7802 House Builders Federation

It is suggested that the word 'significant' is inserted so that the policy reads: "there is no significant adverse impact from existing noise generating development". Without the amendment it could be easily argued that the existing wording could result in applications being refused for development on sites allocated in the Plan if there was any type of noise generating development nearby.

Inspector's Reasoning and Conclusions

2.43.1 The policy as amended together with Policy EN25 is clear and concise. I do not consider it needs to be extended to explain the importance of noise issues. I agree with the objector that the word **significant** should be inserted before "adverse" in the policy as there is often *some* adverse impact, but not significant enough to warrant rejection of a proposal for noise sensitive development.

RECOMMENDATION

Modify Policy EN24 by including the word **significant** before "adverse" in the fourth line.

2.44 POLICY EN25 NOISE

The Objections

1096 Hadleigh Town Council

This section needs to be expanded with more explanation of the importance of noise issues. The policies are poorly worded and are unlikely to be effective. The wording needs to be strengthened to ensure proper protection for all.

7030 Mr J S Cohen

Objecting because the policy is not clear enough to meet objectives. Objector would particularly like the protection of existing quiet settlements.

9483 Tesco Stores Limited/Littman & Robeson

Objection is made to the rewording of the policy in stating that 'planning permission will not be granted'. Objector would like the previous wording of the policy to be reinstated. The policy now does not allow for a consideration of the extent of the impact.

Inspector's Reasoning and Conclusions

2.44.1 My views are the same as those expressed above at Policy EN24.

RECOMMENDATION

Modify Policy EN25 by including the word **significant** before "adverse" in the fourth line.

2.45 POLICY EN26 NOISE

The Objections

1097 Hadleigh Town Council

This section needs to be expanded with more explanation of the importance of noise issues. The policies are poorly worded and are unlikely to be effective. The wording needs to be strengthened to ensure proper protection for all.

Inspector's Reasoning and Conclusions

2.45.1 Following objection to what was an informative rather than a policy, Policy EN26 was deleted. In my view adequate protection from noise could be secured through the revised wording in Policies EN24 and EN25. The adverse impacts of noise are recognised in these policies, which cover both noise sensitive and noise generating developments.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.46 PARAGRAPH 2.48a NOISE

The Objections

6820 The Dedham Vale Society

This part of the Plan fails to address the noise which arises from Recreational Activity eg Light Aircraft Flying at Wissington Airfield or powered craft on the River Stour. It is not clear where else within the Plan such pollution is addressed.

6822 The Dedham Vale Society

Consider that a much clearer statement on the prevention of noise in the AONB or other sensitive areas is required.

Inspector's Reasoning and Conclusions

2.46.1 Policies in the Plan cannot be retrospective. In any event the Council is not aware of a material aircraft or powered craft noise problem that could be addressed by

a land use policy in the Local Plan. Where development is not involved noise nuisance would be dealt with under Environmental Health legislation.

- 2.46.2 There is no evidence before me to show that the AONB is more sensitive to noise than others areas, both urban and rural. Policies EN24 and EN25 both cover development anywhere in the district, including an AONB.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.47 POLICY EN27 TELECOMMUNICATIONS

The Objections

102 Network Rail

Railtrack note the alterations to Policy EN27 and its supporting text. The policy or supporting text should now make reference to the recently published PPG8. The policy makes no specific reference to the issue of site sharing and the advantages associated with utilising existing facilities. It should read as follows:

'Preference will be given for masts which are capable of shared use, subject to other considerations contained in this policy.'

337 BT Plc/RPS

BT plc objects to the wording of criteria (b), stating that 'the scale and design of the antennae and ancillary development are of the highest quality.' This provides no differentiation or operational, technical and cost implications of such a demand. It is suggested that the criterion be re-worded to: 'the design and scale of mast and antennae and ancillary development should respect the character of the surrounding area.'

389 Vodafone Limited/Tony Thorpe Associates;2852 B T plc/RPS

The test in criterion (a) can simply be merged with criterion (b) as they have the same purpose. The 'highest quality' test is not appropriate as this does not necessarily equate with minimisation of intrusiveness. Therefore, substitute the existing 'highest quality' phrase with 'the least intrusive commensurate with technical limitations.'

Criterion (c) appears a duplication of existing overall policy.

Objection raised to wording of criterion (d) as site sharing has not been considered.

Criterion (g) should be changed to accord with new PPG8.

Criterion (h) needs the word 'current' added in.

625 GO-East

Amendments to wording of policy to provide clarity and certainty and ensure that it is not over lengthy or too too detailed. This is suggested in the interest of good policy drafting practice.

1596 Tesco Stores Limited/Littman & Robeson

Policy unreasonably requires that telecommunications development must be of the highest quality. It is unreasonable to require consideration of biodiversity value or archaeological interest in the context of considering relevant development proposals.

Criteria (g) and (h) are too vague since the plan should set out the matters that are likely to be taken into account in determining applications.

2064 Crown Castle UK Limited

CCUK considers that Policy EN27 and the Proposals Map fail to provide an appropriate or adequate local planning policy framework to satisfactorily accommodate future telecommunications developments. Alternative policy therefore proposed. See full text of representation and its associated map for complete details.

3025 Orange PC's Limited/Adam Holmes Associates

Objector suggests that where the amendment states "provided that no adverse impacts are identified.." a suggestion is to alter this so that the section reads "no overriding adverse impacts.." in order to communicate that any decision will be a result of balancing all the evidence.

3723 Nayland with Wisington Conservation Society

Objects to the deletion of controls on masts in the AONB would like it reinstated.

6833 The Dedham Vale Society

This section on Telecommunications Installations has been considerably revised but in a regrettable if possibly inevitable way. Unfortunate that the plan now seems to accept that these ugly and intrusive structures cannot be excluded even from the AONB. Objector want policy to state that these structures will not be permitted in the AONB unless there is no feasible alternative to meet an inescapable need. Unfortunately the statement at 2.53 (on adverse impact on AONB) is not an actual policy and, on past experience, will be routinely ignored.

6869 BT Plc/RPS Planning Transport & Environment

Policy EN27 does not consider the possibility that the benefits of the development may outweigh adverse impacts. The objector suggests the addition of the words, "or they are outweighed by the

need for benefits of the development" at the end of the opening paragraph.

Inspector's Reasoning and Conclusions

- 2.47.1 Policy EN27 has been amended to take into account advice in Planning Policy Guidance No. 8 and an explanation given in paragraph 2.53, 2.53a and 2.53b. In my view criteria a) to h) now reflect national guidance.
- 2.47.2 Criterion b) has been amended. The term "highest quality" would not necessarily have meant that a mast would be visually acceptable and has been replaced with scale, design, and character criteria.
- 2.47.3 Criterion f) accepts that the technical and operational needs of the proposal are an important factor to be considered. This need has to be balanced against other criteria.
- 2.47.4 With most telecommunications development I would expect there to be some adverse impact, but this may not be sufficient to justify a refusal of the proposal. I consider that the word **significant** be included before "adverse" This would reflect the wording of the supporting text paragraph 2.53
- 2.47.5 I consider the policy contains criteria to adequately control telecommunications development throughout the district. The policy can only contain a framework. How the policy is implemented, and whether decisions based on the policy are popular locally, is not a matter for the Local Plan.

RECOMMENDATION

Modify Policy EN27 by inserting the word **significant** before "adverse" in the seventh line.

2.48 PARAGRAPH 2.53 TELECOMMUNICATIONS

The Objections

6829 The Dedham Vale Society

Objector would have hoped that the basic policy would be that these structures will not be permitted in the AONB unless there is no feasible alternative to meet an inescapable need. Unfortunately the statement at 2.53 (on adverse impact on AONB) is not an actual policy and, on past experience, will be routinely ignored.

7077 Mono Consultants Ltd

Objecting to the deletion of the word "normally."

Inspector's Reasoning and Conclusions

2.48.1 In my view criterion c) of Policy EN27 provides adequate protection of the countryside. National guidance makes it clear that it has to be demonstrated there are no suitable alternative locations other than the AONB. How the policy is implemented is a matter for the development control function.

2.48.2 The use of the word "normally" is contrary to government advice. It is not required as there are inevitably deviations from policy in exceptional cases.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.49 PARAGRAPH 2.53a TELECOMMUNICATIONS

The Objections

6830 The Dedham Vale Society

Objector would have hoped that the basic policy would be that these structures will not be permitted in the AONB unless there is no feasible alternative to meet an inescapable need. Unfortunately the statement at 2.53 (on adverse impact on AONB) is not an actual policy and, on past experience, will be routinely ignored.

Inspector's Reasoning and Conclusions

2.49.1 See my views at 2.48 above.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.50 PARAGRAPH 2.54 TELECOMMUNICATIONS

The Objections

103 Network Rail

Railtrack note the alterations to Policy EN27 and its supporting text. The policy or supporting text should now make reference to the recently published PPG8. The policy makes no specific reference to the issue of site sharing and the advantages associated with utilising existing facilities. Railtrack therefore recommend that Policy EN27 should refer to the latter by stating:
'Preference will be given for masts which are capable of shared use, subject to other considerations contained in this policy.'

Inspector's Reasoning and Conclusions

2.50.1 I am satisfied that the key aspects of Planning Policy Guidance No. 8 have now been included in the supporting text, including mast sharing in paragraph 2.53b.

RECOMMENDATION

Make no modification to the Plan in response to this objection

2.51 APPENDIX 1

B.D.C is proposing a change to Appendix 1 Pre-Inquiry Change 28

Add abbreviation 'cSACs' in the description of Policy CR12 in Appendix 1.

The Objections

None

2.52 POLICY OR TEXT OMISSIONS

The Objections

526 Terence O`Rourke plc

Additional supporting text suggested: which outlines Government policy on renewable energy, as laid out in PPG22.

527 Terence O`Rourke plc

Add a specific reference to the government's target for renewable energy generation by 2010.

528 Terence O`Rourke plc

Specific reference to findings of most recent Eastern Region Renewable Energy Assessment and the renewable energy resources most likely to be developed in the Babergh area.

529 Terence O`Rourke plc

Recognition needed of the fact that there is a need to balance the potential benefits of renewable energy generation development with any adverse effects on local amenity that may arise.

603 GO-East

The renewable energy study for the East of England Sustainable Development Round Table recommends a target of delivering 12% of Suffolk's energy requirements from renewable energy sources by 2010 (excluding energy from waste). The planning system has a crucial role to play in delivering renewable energy. Therefore, the Local Plan should promote this cause and set out how and where Babergh can help meet renewable energy provision.

1011 Hadleigh Town Council

Objection relates to water meadows by Hadleigh High Street. The Hadleigh riverside walk is being damaged by repeated localised flooding, with adverse effects on flora and fauna. This is a result of development in the area, including increased surface water run-off, not natural processes.

With proper planning the nearby water meadows could take some of this excess water, thereby protecting the important and popular Riverside Walk area and other parts of the Conservation Area. The Local Plan needs to reflect this situation by extending its policies to include protection for these meadows in the future.

1077 Hadleigh Town Council

Whilst there is a reference to the conservation of energy, more comment should be given on support for the attractions and benefits of developments that deliver solar / wind energy or other environmentally-friendly solutions.

1094 Hadleigh Town Council

There is concern about the insidious adverse effect of security lighting on industrial estates in rural settings. At night the light can be seen for many miles across open countryside. Are there any aspects that a planning policy could incorporate to ensure a developer takes ameliorative steps to reduce the adverse environmental impact?

1236 Miss A Stephenson

The agricultural land between Hadleigh High Street and the River Brett acts as a floodplain and as such should be specifically preserved. The area could become a place for public enjoyment and a Wildlife Site. It already has many of the species listed in [the] Biodiversity [Action Plan].

1295 Mrs J Byrne

There appears to be no policy dealing with air pollution although reference is made to air quality at section 2.38. We feel that there should be a policy to monitor air pollution in narrow streets subject to heavy traffic (such as Benton Street, Hadleigh).

1297 Mrs J Byrne

Concerns rubbish tipping and overall neglect in sensitive areas. Run down, neglected, redundant sites in the District not only affect the visual amenity of residents but their poor state is also used to justify development on the basis that it can bring about an environmental / aesthetic improvement. The Council should monitor such sites, encourage their proper maintenance and if necessary, take action to bring about improvements that do not involve redevelopment.

1513 Mr A J Keniry

The Plan is considered to be weak insofar as noise arising from extra flights related to Stansted Airport expansion is concerned. This noise also has wider localised adverse impacts.

1808 Crown Castle UK Limited

CCUK considers that Policy EN27 and the Proposals Map fail to provide an appropriate or adequate local planning policy framework to satisfactorily accommodate future telecommunications developments. Alternative policy therefore proposed. See full text of representation and its associated map for complete details. Suggested changes proposed – see original representation.

1882 Mr S J Blackwell

Objection to omission of storage reservoir facilities to deal with heavy rainfall situations, in view of current climate change predictions. Site specific objection relating to two streams in Sudbury area.

2065 Crown Castle UK Limited

The Proposals Map does not identify and so encourage new development towards existing telecommunications installations. As

a consequence, the wording of Policy EN27 is similarly insufficient. It is therefore particularly lacking in guiding larger requirements, such as for control sites that need many dishes, towards existing sites.

8502 Suffolk Wildlife Trust

Recommend that important wildlife corridors are marked on the Proposals Map (Hadleigh, Sudbury and Sproughton).

8505 Suffolk Wildlife Trust

Recommend that for Sudbury and Hadleigh wildlife corridors are marked on the Proposals Map such as the River Brett for Hadleigh, the Stour at Sudbury and future wildlife corridors proposed through the Chilton package.

Inspector's Reasoning and Conclusions

2.52.1 Although I agree that details of targets should be included in the supporting text, and this was added by paragraph 2.12a at the 2nd Deposit Draft stage, I do not consider there is a need for more background information in the Local Plan. Renewable energy is generally supported in Policy EN03 subject to its impact being assessed against listed criteria. I doubt that the supporting text could provide information as to how and where such provision is likely as it would depend upon a detailed assessment on a case to case basis. Planning Policy Guidance No. 22 advises against attempting to define specific locations suitable for certain types of development. It also states that renewable energy developments are capable of being accommodated where the technology is viable and environmental, social and economic impacts can be addressed in a satisfactory manner. Policies EN01 and EN03 both reflect this advice.

2.52.2 A Local Plan should be worded in such a way that it deals with the protection of areas known to be at risk from flooding. To specify these locations would be too detailed for a Local Plan policy. Policy EN05 is comprehensive. It lists criteria to be met and procedure to be followed. It would not be appropriate to include other drainage improvement projects unrelated to development in a Local Plan policy. It is likely that some would not be subject to planning controls.

- 2.52.3 New paragraph 2.12a of the supporting text emphasises the importance of renewable energy. Policies EN01 and EN03 reflect advice in Planning Policy Guidance No. 22.
- 2.52.4 A policy on air quality monitoring would be a statement of intent, not an enforceable land use policy. There is a complete section of the supporting text of the plan related to Air Quality from 2.36 to 2.45 and air pollution from traffic is also dealt with in the Transport Chapter (9) of the plan. A number of policies deal with the reduction of vehicular traffic and the encouragement of sustainable traffic modes.
- 2.52.5 Monitoring of neglected sites is not a matter for a Local Plan policy. Again it would be a statement of intent. The Council has separate powers both under litter legislation and planning enforcement to deal with untidy and neglected sites. What action is taken would presumably depend on resources available and the priority given to such action within the Council. Whether a site is redeveloped or not would depend on its allocation in the Local Plan. Subject to allocation, the development of a brownfield site is preferable to a greenfield site.
- 2.52.6 The only direct planning input Babergh Council would have in respect of aircraft noise from Stansted would be to comment on Structure Plan and Local Plan development policies for those authorities within which the airport is situated. A policy in the Babergh Local Plan would carry no weight nor be enforceable.
- 2.52.7 Recommendations in Planning Policy Guidance No. 8 were incorporated into the plan at the 2nd Deposit Draft stage. See my report on Policy EN27 and its supporting text. It would not be appropriate to include telecommunications equipment on a Proposals Map, it would soon be out of date. I understand the Council has a separate register which it keeps up to date.
- 2.52.8 Although it might be possible to include some wildlife corridors in Supplementary Planning Guidance as their extent is surveyed, I doubt that they could satisfactorily be identified on a Proposals Map. Many only come to light at a planning application stage, or

when a master plan is prepared for development, and often include small areas of land. As the two river corridors referred to are County Wildlife Sites they would already be registered and I understand were adopted under SPG.

- 2.52.9 I have dealt with concern about light pollution at Policy EN22 above. There are very limited controls over domestic security lighting under planning legislation.

RECOMMENDATION

Make no modification to the Plan in response to these objections

2.53 MISCELLANEOUS

The Objections

397 Miss B M G Winter

(1) Flooding: importance of avoiding built development on land liable to flood and allowing removal of vegetation which helps to prevent this.

(2) Importance of maintenance, repair and cleanliness of pavements and associated health and safety implications.

Inspector's Reasoning and Conclusions

- 2.53.1 I have dealt with issues on flooding under Policy EN05 and its supporting text.

- 2.53.2 Routine repair and maintenance and matters covered by health and safety legislation are not issues related to land use planning and should not be included in a Local Plan.

RECOMMENDATION

Make no modification to the Plan in response to these objections
